

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

January 30, 2019

MOTOR CARRIER MATTER

☐

DOCKET NO.

2018-379-E

UTILITIES MATTER

☒

ORDER NO.

2019-95

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2018-379-E - Enrique McMilion, Jr., Complainant/Petitioner v. Duke Energy Carolinas, LLC, Defendant/Respondent - Staff Presents for Commission Consideration Multiple Procedural Matters Regarding Mr. McMilion's Complaint Against Duke Energy Carolinas, LLC.

**COMMISSION ACTION:**

In this docket, the Commission initially appointed a Hearing Examiner to oversee all prehearing matters, rule on motions, and conduct a hearing. This is the standard procedure which is routinely followed in every case in which an individual customer files a complaint against a utility. However, Mr. McMilion has requested that the full Commission hear this case rather than the Hearing Examiner.

In individual complaints such as these, the initial complaint filed by the customer is required to include a detailed statement of the facts and allegations complained of and a statement of what relief the customer wishes to have the Commission order the utility to provide. The Commission treats these statements of facts and allegations and requests for relief as the prefiled testimony of the customer.

Upon receipt of the complaint, the utility may prefile responsive testimony, or it may move to dismiss the complaint, if it believes that the complaint does not allege a violation of law for which the Commission can grant relief. In cases where the utility moves to dismiss the complaint, it usually asks the Hearing Examiner to hold all deadlines for pre-filing testimony in abeyance, that is, to suspend the filing schedule, until the motion to dismiss is decided. Again, this is routine procedure.

Unfortunately, Mr. McMilion has alleged bias and unfairness in the manner in which his complaint has been handled thus far. We have fully reviewed the history of this matter and have found nothing to indicate any bias or unfairness by the Hearing Examiner. This complaint has been handled in exactly the same manner as every other such complaint, and all actions by the Hearing Examiner to date have been proper and consistent with due process. Nevertheless, the Hearing Examiner has recused himself from this docket, and the Commission has agreed to take up the matter directly, as Mr. McMilion has requested.

As stated previously, Mr. McMilion's statements of his case contained within his initial complaint have been treated as his prefiled testimony. However, in order to ensure that Mr. McMilion has been afforded the fullest opportunity to state his positions to the Commission, we will accept prefiled testimony from him, as well as any legal argument opposing the utility's motion to dismiss, on or before Friday, February 15, 2019. The utility may then prefile testimony, if any, and also file its reply regarding the motion to dismiss, if any, no later than

Friday, March 1, 2019. Thereafter, the Commission will rule upon the motion to dismiss and, if the motion to dismiss is denied, the hearing in this matter will then be rescheduled.

PRESIDING: Randall

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WILLIAMS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

